

<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> <b>DOC #:</b> _____ <b>DATE FILED:</b> <u>7/20/2022</u>
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
ORLANDO ALCANTARA,	:	
	:	S1 18 Cr. 157 (DAB)
Defendant.	:	
	:	
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WHEREAS, on or about February 19, 2019, ORLANDO ALCANTARA, (the “Defendant”), was charged in a two-count Superseding Information, S1 18 Cr. 157 (DAB) (the “Information”), with conspiracy to distribute and possess with intent to distribute 50 grams and more of methamphetamine, its salts, isomers, and salts of its isomers, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A) (Count One); and bulk cash smuggling, in violation of Title 31, United States Code, Section 5332 and Title 18, United States Code, Section 2 (Count Two);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense charged in Count One of the Information, and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Counts One of the Information;

WHEREAS, the Information included a forfeiture allegation as to Count Two of the Information, seeking forfeiture to the United States, pursuant to Title 31, United States Code, Section 5332(b)(2), of any and all property, real and personal, involved in the offense charged in Count Two of the Information, and any and all property traceable thereto, including but not limited to a sum of money in United States currency representing the amount of property involved in the offense charged in Count Two of the Information;

WHEREAS, on or about February 19, 2019, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from, directly or indirectly, as a result the offense charged in Count One, including but not limited to a sum of United States currency representing the amount of proceeds that the Defendant personally obtained as a result of the offense;

WHEREAS, on or about February 19, 2019, the Defendant also pled guilty to Count Two of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Two of the Information and agreed to forfeit to the United States, pursuant to Title 31, United States Code, Section 5332(b)(2), any and all property, real and personal, involved in said offense, and any property traceable thereto, including but not limited to a sum of money in United States currency representing the amount of property involved in said offense;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$19,000 in United States currency, representing \$1,000 of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained and

\$18,000 in United States currency, representing the amount of property involved in the offense charged in Count Two of the Information;

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained, and the amount of property involved in the offense charged in Count Two of the Information, cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney, Jonathan E. Rebold of counsel, and the Defendant, and his counsel, Paul David Petrus, Jr., Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$19,000 in United States currency (the "Money Judgment"), representing \$1,000 in proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained, and \$18,000 of property involved in the offense charged in Count Two of the Information, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, ORLANDO ALCANTARA, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New

York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.


6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

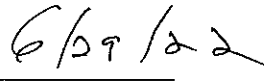
7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.


AGREED AND CONSENTED TO:

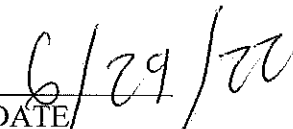
DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York


By:   
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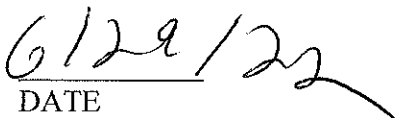
  
\_\_\_\_\_  
DATE

ORLANDO ALCANTARA


By:   
\_\_\_\_\_  
ORLANDO ALCANTARA

  
\_\_\_\_\_  
DATE

By:   
\_\_\_\_\_  
PAUL DAVID PETRUS, JR., ESQ.  
Attorney for Defendant  
The Empire State Building  
350 Fifth Avenue Suite 4020  
New York, NY 10118

  
\_\_\_\_\_  
DATE

SO ORDERED:

  
\_\_\_\_\_  
HONORABLE LEWIS A. KAPLAN  
UNITED STATES DISTRICT JUDGE

  
\_\_\_\_\_  
DATE